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FILED


JUN 16 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOHNNIE FAYE HOWARD LEWIS,)
)
Defendant.)

No. 4:06-70083 WDB

 [PROPOSED] ORDER AND
STIPULATION FOR CONTINUANCE
FROM JUNE 16, 2006 TO JULY 28, 2006
AND EXCLUDING TIME FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A)) AND
WAIVING TIME LIMITS UNDER RULE
5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of July 28, 2006 at 10:00A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from June 16, 2006 to July 28, 2006. The parties agree, and the Court finds and holds, as follows:

1. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

2. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

cc: WDB's staff, Copy to parties via ECF

1 preliminary hearing.


2 3. Counsel for the defense believes that postponing the preliminary hearing is in his
3 client's best interest, and that it is not in his client's interest for the United States to indict the
4 case during the normal 20-day timeline established in Rule 5.1.

5 4. The Court finds that, taking into the account the public interest in the prompt
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
8 the Court finds that the ends of justice served by excluding the period from June 16, 2006 to July
9 28, 2006 outweigh the best interest of the public and the defendant in a speedy trial. §
10 3161(h)(8)(A).

11 5. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
12 hearing date before the duty magistrate judge on July 28, 2006, at ~~9:00~~ ^{10:00 WDB} A.M., and (2) orders that
13 the period from June 16, 2006 to July 28, 2006 be excluded from the time period for preliminary
14 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations
15 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16
17 IT IS SO STIPULATED:

18
19 DATED: 6/16/06


JAMES GILLER, ESQ.
Attorney for Defendant

20
21
22 DATED: 6/16/06


ROBERT DAVID REES
Assistant United States Attorney

23
24
25 IT IS SO ORDERED.

26
27 DATED: 6-16-06


HON. WAYNE D. BRAZIL
United States Magistrate Judge